

Nov 13. off

Reported back with
substitute Am to 503

Thornton

Best rec

Am to 195-

Judicial

Committee

Fixing the
Salary of Judges
of Supreme &
District Judges

Oct 11 48

Read & referred to
Comm on Judiciary and
Judiciary Department
Thornton
Judiciary ^{agree}

Copy (over)

Propositions fixing the Salary of
the Judges of the Supreme Court &
of the District Courts of this State.

The Judges of the Supreme Court shall
be allowed a salary of four thousand
dollars ^{each} per Annum, and no more

The Judges of the District Courts
shall be allowed a salary of
three thousand dollars each per
Annum, and no more.

The Judicial Districts, ~~ought to~~
shall contain as near as possible one hundred
thousand inhabitants, ~~and each district~~

Edward. Every.

P Am
Proposition No. 196

In relation to
Rights of Suffrage.

Oct 11th 1878.

Read & referred
to Com on Right of
Suffrage

Thomson

as per

Nov 13. 78

Reported back with
Substitute Am to 504

Thomson

as per

29
Suff

J. J. Farrell.

Proposition No.

For incorporation in the proposed new Constitution in relation to Elective Franchise.

Sec. The Legislature shall have power to exclude from the privilege of voting or being eligible to office, any person convicted of bribery, perjury or other infamous crime, and no pardon by the Governor shall restore the right of suffrage for holding office to any one convicted of the corrupt use of receiving of money for the purpose of controlling any election, or obtaining any office of profit or trust, under the Constitution of this State or the United States.

J J Farrell
San Francisco

Plan
Proposition No. 197

In relation to
Revenue & Taxation

Oct 11th 1878

Oct 11. 78
Read & referred to
Com on Revenue &
Taxation

Thomson

Ass sec

Nov. 18, 1878
Reported back with
Substitute Amendment
No. 5218. J. M. Wright
Rev. State Secretary

S. J. Farrell

Proposition No

For incorporation in the proposed
new Constitution in relation to
Poll Tax.

Sec -

The levying of taxes by the poll
and the requiring of personal
service to the State or public, is
grievous and oppressive: therefore no
law or ordinance shall be made
levying a poll tax or requiring
personal service except upon
military or other public necessity
found and declared to exist in
pursuance of law by lawful auth-
ority.

S J Farrell
San Francisco

Agenda No 201
~~Proposition~~
October 1878
In relation to Article on
Suffrage

Oct 11/78
Read & referred
to Com on Right
of Suffrage
Thornton
as per

Printed to 108-

Nov 13. 78
Reported back with
substitute am to 304
25 Thornton
as per
Suff

W. P. Grace
San Francisco

Proposition No

For incorporation in the Article of
the New Constitution relating to Suffrage

Section No — No person shall
be in the receipt at the same time,
of more than one official salary
or compensation. Nor shall any
increase of salary or compensation,
for any office under this Constitution,
take effect or apply to the incumbent
of said office in possession at time
of such increase

W J Grace
San Francisco

Proposition No 201

October 1878

In relation to
Corporations other than Municipal

Oct 11. 78

Read & referred to
Com on Corporations
other than Municipal
Thornton
ass Rec

Oct 30. 78

Reported back with
recommendation that
no further action be
taken
Thornton
ass Rec

H. P. Grace
San Francisco

Proposition No.

In relation to Corporations other than
Municipal

Section -- It shall be unlawful for any Director or other Officer of any Railroad Company or other Corporation organized under the laws of this State or of the United States, and doing business within this State, to contract with said Company or corporation, either directly or indirectly, by himself or his agents, or to become interested in any such Contract for the furnishing of supplies or material of any kind or the execution of any labor or work for the said Corporation or Company.

It shall be the duty of the Legislature to enforce the provisions of this section by appropriate legislation

H. P. Grace
San Francisco

Am to 202

Declaration of Rights

Oct 11. 78

Read & Referred
to Com on Preamble
& Bill of Rights

Thornton

as see

Oct 24. 78

Reported back by the
Com. without recom-
mendation

Thornton

as see

27

P 4 13 of R

Gregg
Gregg

Proposition for Changing the
"Declaration of Rights"

Proposed Amendment to Sec 6
of "Declaration of Rights"

"Excessive bail shall not be
required nor excessive fines imposed
nor shall Cruel or unusual punishments
be inflicted. But Whipping shall
not be deemed Cruel or unusual
as a punishment"

(1899)

Am to 203 the
Forbidding ap-
propriation of
public Monies^{and}
property for Sectarian
purposes

Oct 11. 78
Read & referred
to Com on Preamble
& Bill of Rights
Thornton
ass rec

Oct 24. 78
Reported back by the
Com. without recom-
mendation

Thornton
ass rec

Huestis

Resolved, That the following be incorporated
in the "Declaration of Rights" in the
Constitution
Article.

Section. The Public School system of this State
shall remain free and independent of
all sectarian influences or control, and
no money shall be appropriated or drawn
from the Public Treasury for the benefit
of any religious sect or society, theological
institution or association; nor shall
property of any character belonging to
the State, or to any County or Municipality
thereof, be ever appropriated for any
such purpose.

Am No 204

A Proposition
to amend
Article 4 of
the Constitution
in the Legislative
Department.

~~Struck out~~

Oct 11, 48
Read over
to Com on Legis-
lative Department

Thomson
ass Rec

29 Nov 11, 48
Replied back with
substitute to 501
Le & W
Thomson
ass Rec
Johnson

A Proposition to amend Article 4 of the Constitution.

No law shall be passed except by bill. No bill shall be considered by the Legislature unless referred to a Committee, returned therefrom and printed for the use of the members. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor, and no amendment to bills by one House shall be concurred in by the other except in the same manner and with the same formality as above set forth in respect to bills. It shall be and shall not be otherwise that every law enacted by the Legislature shall embrace but one object and that shall be expressed in the title, that no law shall be revised or amended by reference to its title, but in such case the Act revised or section amended shall be re-enacted and published at length.

On the passage of appropriation bills, or on concurring in

amendments thereto, a separate vote on any item or items shall, on demand of any member, be had by yeas and nays and entered accordingly on the Journal, and every such item failing to receive the vote of the requisite majority of the members elected to the House in which the bill is pending shall be stricken therefrom and each item receiving such majority shall be declared passed.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner prescribed in cases of disapproval of bills. Every order or resolution in which the concurrence of both branches of the Legislature may be necessary, except on questions of adjournment or pertaining to the transaction of business by the Houses shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved shall be re-passed in the manner prescribed in this article for the re-passage of bills.

Am to 205-
In relation to
Banks

Reported back
from Com. on
Corporations and
at their request
referred to Com.
on Leg. Dept.

Oct 11, 78
Read & referred to
Com on Corporations
other than Municipal

Thomson

Ass Sec

Oct 17, 78
Reported back. by request
referred to Committee on
Legislative Department

Thomson

30

Ass Sec

Corporations

Nov 11, 78
Reported back with
substitute Am to 301

Joyce Thomson
Ass Sec

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

Resolved

That the Committee on Legislation
are hereby requested to report
the following for insertion in the new
Constitution.

That all monies (valuables and
property of every description) held
by Savings or other Banks for
the period of seven years without
owner or proper heir to claim the
same shall escheat to this State
and that all such monies (valuables
and property) shall be used by
direction of the Legislature for
charitable purposes only.

By Joyce

Oct 11 - 1878

Am No 206
In relation
to public
officers

Oct 11. 78
Read & referred
to Com on Legisla
tive Department
Thornton
ass Rec

Nov 11. 78
Reported back with
Substitute Am No 341
31 Thornton
Legislative Ass Rec

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Dyke

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PAGE

Resolved
That the Legislative Committee
is hereby instructed to report ~~and~~
the following proposition

The Legislature shall have no
right to increase the salary of
any State County Town ~~and~~ ^{nor} mu-
nicipal officers nor of any person
holding position under State
County Town or Municipal
governments Without first
submitting the same to the tax
payers having to pay such
salaries and

No Treasurer shall have the
right to pay out of any treasury
in this state more than one
salary to any one officer for ~~and~~
any duties which may be
performed by him or her - as
the spirit of our Government is
opposed to any public officer obtaining
more than one salary at the same
time and that all commissioners
shall be elected by the direct vote
of the People by ballot - By J. J. J.

Am No 207
Revenue and
Taxation

Oct 11/78
Read & referred
to Com on Revenue
& Taxation
Thornbr

Ass Rec,
Nov. 18, 1878
Reported back with
substitute amend-
ment No. 510.

32 J. M. Wright,
Secretary
Rev & Tax

Submitted by
Chas R. Klein
of San Francisco
Oct. 11. 78

Revenue and Taxation

Article

Sec. 1 No tax shall be levied upon the rights of Citizenship, and the payment of a poll tax as a condition of Exercising the right of the ballot is a violation of the democratic principle and tends to corrupt the Legislature and all such restrictions should be abolished.

Submitted by
Edward A. Kline
of San Francisco
Oct. 11. 78

Am to 208

Judicial Department

Oct. 11. 48

Read & referred to
Com on Judiciary and
Judicial Department

Thornton

Ass Sec

Nov 13. 48

Reported back with
substitute Am to 503

Thornton

Asst Sec

Fane

33

Jud
Laine

*Article Six for a revised
Constitution of the State of
California Judicial Department
Introduced by J. H. Laine
Delegated from Santa Clara
County*

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, in County Courts and in Justices of the Peace, and in Recorders and other inferior Courts as the Legislature may establish in any incorporated city or town.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, except such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State by districts, as hereinafter provided, at the general State elections. The first election for Justices of the Supreme Court shall be held on the first Wednesday in September, in the year eighteen hundred and seventy-nine. The Justices shall hold their offices for the term of twenty years from the first Monday in January next after their election, except those elected at the first election under this Constitution, at which election the Justice elected from the first district shall be elected for four years, the one from the second for eight years, the one from the third for twelve years, the one from the fourth for sixteen years, and the one from the fifth for the full term of twenty years, so that one Justice shall go out of office every four years. The Justice having the shortest time to serve shall be Chief Justice. In case of a vacancy from any cause in the office of Justice of the Supreme Court, the Governor shall appoint some suitable person from the same district as Justice, who shall hold the office for the unexpired part of the term. No Justice of the Supreme Court shall be eligible for re-election. For the purpose of electing Justices of the Supreme Court the State shall be divided into five districts, and each district shall be composed of six legislative districts. The first district shall be composed of the first, second, third, fourth, fifth, and sixth legislative districts; the second of the seventh, eighth, ninth, tenth, eleventh and twelfth; the third of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth; the fourth of the nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth; and the fifth of the twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth legislative districts.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand, exclusive of interest, amounts to five hundred dollars, also in cases of forcible entry and detainer, and in all probate matters; also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or in the Supreme Court, or before any County Court or Judge thereof.

SEC. 5. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than thirty consecutive days shall be deemed to have forfeited his office.

SEC. 6. The County Courts shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, exclusive of interest, amounts to two hundred dollars, and in all criminal cases not otherwise provided for; also in actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and all such special cases, and proceedings as are not otherwise provided for, also, of all matters of probate; and said Courts shall have the power of naturalization and to issue papers therefor. They shall have appellate jurisdiction in all cases arising in Justices, Recorders, and such other inferior courts as may be established by the Legislature in their respective counties upon questions of law alone. Said courts shall be always open (legal holidays and non-Judicial days excepted), and their original jurisdiction shall extend to all parts of the State. Said courts and their judges shall have power to issue writs of habeas corpus on petition by or on behalf of any person in actual custody, in their respective counties.

SEC. 7. There shall be in each of the organized counties or cities and counties of the State a County Court; for each of which a County Judge shall be elected by the qualified electors of the county or city and county at the general State election; provided, that in all the said counties or cities and counties containing more than fifty thousand inhabitants there shall be one such County Court and County Judge for every forty thou-

sand inhabitants; and in all such cases said courts to be numbered from one upwards, in numerical order, as the Legislature shall direct. The County Judges shall hold their offices for the term of twelve years from the first Monday of January next after their election.

SEC. 8. The unfinished business remaining in the Probate Court of the City and County of San Francisco shall be apportioned between the several county courts therein established by the Board of Supervisors thereof, in such manner as the Legislature shall direct.

SEC. 9. There shall be one Justice of the Peace elected in each township in the State, and the Legislature shall determine the number of Justices of the Peace to be elected in each incorporated city and town, and shall fix, by law, the powers, duties and responsibilities of Justices of the Peace; provided, such powers shall not in any case trench upon the jurisdiction of the several courts of record. The Supreme Court, the County Courts and such other courts as the Legislature shall declare to be shall be courts of record.

SEC. 10. The Legislature shall fix, by law, the jurisdiction of any recorder's or municipal courts which may be established in pursuance of Section One of this Article, and shall fix, by law, the powers, duties and responsibilities of the judges thereof.

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs and other necessary officers, and shall fix, by law, their duties and compensation. County Clerks shall be ex officio clerks of the courts of record and the Boards of Supervisors in and for their respective counties. The Legislature may also provide for the appointment by the several County Judges of one or more commissioners in their several counties with authority to perform chamber business of the Judges of the County Courts, to take depositions and perform such other duties connected with the administration of justice as may be prescribed by law.

SEC. 12. The times and places of holding the several courts of record shall be provided for by law. No judicial officer, except Justices of the Peace, Recorders and Commissioners shall receive to his own use any fees or perquisites of office.

SEC. 13. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

SEC. 14. The Justices of the Supreme Court and County Judges shall severally, during their continuance in office, re-

ceive for their services, quarterly, an annual salary, which shall not be increased or diminished during the term for which they shall have been elected. County Judges shall be paid out of the county treasury of their respective counties. The annual salaries of the Justices of the Supreme Court shall be five thousand dollars, and the annual salaries of the County Judges shall be fixed by the Legislature, not to exceed four thousand dollars. No County Judge or Justice of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any quarter's salary unless they shall severally take and subscribe an oath before the disbursing officer, that no cause in their respective courts remains undecided that has been submitted for decision for the period of sixty days. The Legislature shall enforce this provision by appropriate legislation.

SEC. 15. ~~The Justices of the Supreme Court and~~ County Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.

SEC. 16. Judges shall not charge juries with respect to matters of fact; nor state the testimony.

SEC. 17. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 18. The Justices of the Supreme Court shall, before they enter upon the discharge of the duties of their offices, qualify by taking and subscribing the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be,) that I will support and maintain the Constitution of the United States and the Constitution of the State of California, and that I will discharge the duties of the office of a Justice of the Supreme Court to the best of my ability, and that I will not accept any office, State or Federal, nor be a candidate for any office, during the term for which I have been elected Justice of the Supreme Court." Any Justice of the Supreme Court accepting any office, or offering himself as a candidate for any office, during the term for which he may have been elected, shall be guilty of and subject to all the pains and penalties of perjury, shall forfeit his office and be forever disqualified from holding any office in this State.

SEC. 19. The Justices shall appoint a reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary of twenty-five hundred dollars, payable quarterly.

SEC. 20. The Judges and Justices of the Peace shall not practice law in any Court of the State during their continuance in office.

SEC. 21. A Grand Jury shall be composed of thirteen jurors; and a concurrence of eight shall be necessary to the making of a presentment or the finding of an indictment.

SEC. 22. In criminal cases, a concurrence of three-fourths of the jury is sufficient to find a verdict; except in cases where the punishment is death upon conviction; in such cases, all the jurors must concur, to render a verdict.

SEC. 23. In all civil cases, a concurrence of two-thirds of the jury is sufficient to render a verdict.